

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JEREMY DAVID,

Plaintiff,

vs.

DIERBERGS MARKET, INC.,

Defendant.

Case No. 12-cv-869-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 33) of Magistrate Judge Stephen C. Williams recommending the Court dismiss this case with prejudice for plaintiff’s failure to appear at pre-trial conferences; obey the Court’s March 8, 2013, discovery order; and diligently prosecute his case.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R & R. The Court has reviewed the R & R and finds that it is not clearly erroneous. Accordingly, the Court **ADOPTS** the R & R (Doc. 33), **DISMISSES** this case with prejudice, and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: May 8, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE